

Minneapolis, MN

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**OLMSTED COUNTY WASTE TO ENERGY FACILITY
Employer**

and

Case 18-WH-24

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL UNION NO. 49
Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On March 25, 2011, International Union of Operating Engineers Local Union No. 49 filed with the Regional Director for Region 18 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. Sec. 207(b).

On April 15, 2011, the Regional Director served on the parties an Order to Show Cause why the Board should not grant the request. No response was filed. As the Region's investigation revealed that the Union is the recognized collective-bargaining representative of the unit employees,¹ the Regional Director recommended to the Board that the requested certification be issued.

No party having shown cause why a certification should not be issued, the National Labor Relations Board hereby certifies that International Union of Operating

¹ The record indicates that the Union was certified on September 11, 1987, by the State of Minnesota, Bureau of Mediation Services, under the Minnesota Public Employees Labor Relations Act, as the exclusive bargaining representative of the employees included in the petition. The parties are signatory to a collective-bargaining agreement that expired on December 31, 2010, and automatically extends from year to year. By letter dated March 28, 2011, the Employer states that International Union of Operating Engineers, Local Union No. 49, is the only union to claim representation.

Engineers Local Union No. 49 is a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees of the Olmsted County Waste to Energy Facility in the following unit:²

All full-time and part-time employees as defined under the Public Employees Labor Relations Act (PELRA), employees, employed by the Olmsted Waste-to-Energy Facility and landfill as reflected in the position/wage agreement accompanying the contract and to further include subsequent title changes of the same positions.

Dated, Washington, D.C., June 29, 2011.

By direction of the Board:

Lester A. Heltzer

Executive Secretary

² A certificate of bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).